

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Michael A. Babyak
Debtor(s)

Bankruptcy Case No.: 20-22027-CMB
Per August 17, 2020 Proceeding
Chapter: 13
Docket No.: 30 - 2
Concil. Conf.: January 28, 2021 at 09:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated July 3, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jan. 28, 2021 at 09:00 AM, in remotely by the Trustee via Zoom, how to participate: goto www.ch13pitt.com, meetings@chapter13trusteewdpa.com.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Ford Motor Credit (C1 #7) .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: August 20, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Michael A. Babyak
 Debtor

Case No. 20-22027-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: gamr
 Form ID: 149

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 Total Noticed: 34

Date Rcvd: Aug 20, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 22, 2020.

db +Michael A. Babyak, 3107 Squires Manor Lane, South Park, PA 15129-8424
 cr +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 15276223 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 15262228 +Citibank, Citicorp Credit Svcs/Centralized Bk dept, PO Box 790034,
 St Louis, MO 63179-0034
 15262232 +Department Store National Bank/Macy's, Attn: Bankruptcy, 9111 Duke Boulevard,
 Mason, OH 45040-8999
 15262235 ++FORD MOTOR CREDIT COMPANY, P O BOX 62180, COLORADO SPRINGS CO 80962-2180
 (address filed with court: Ford Motor Credit, National Bankruptcy Service Center,
 PO Box 62180, Colorado Springs, CO 80962)
 15262239 +Mariner Finance, LLC, Attn: Bankruptcy, 8211 Town Center Drive, Nottingham, MD 21236-5904
 15262240 +Michelle Durham, 3979 Perry Highway, Slippery Rock, PA 16057-7011
 15262245 +Target, c/o Financial & Retail Svcs, Mailstop BT POB 9475, Minneapolis, MN 55440-9475
 15262246 +Taylor Babyak, 4009 Squires Manor Lane, South Park, PA 15129-8426
 15262247 UPMC Health Services, PO Box 371472, Pittsburgh, PA 15250-7472
 15276306 UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
 15276309 UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 cr

+E-mail/Text: kburkley@bernsteinlaw.com Aug 21 2020 04:16:23 Duquesne Light Company,
 c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 15262225 +E-mail/Text: backoffice@affirm.com Aug 21 2020 04:16:33 Affirm, Inc., Attn: Bankruptcy,
 PO Box 720, San Francisco, CA 94104-0720
 15262226 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Aug 21 2020 04:43:23 Capital One,
 Attn: Bankruptcy, PO Box 30285, Salt Lake City, UT 84130-0285
 15277768 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Aug 21 2020 04:43:59
 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083,
 Charlotte, NC 28272-1083
 15262227 +E-mail/Text: rmelani@chfcu.org Aug 21 2020 04:16:13 Century Heritage F C U,
 Attn:Bankruptcy, 9 S 2nd St, Duquesne, PA 15110-1147
 15267624 +E-mail/Text: rmelani@chfcu.org Aug 21 2020 04:16:13 Century Heritage Federal credit Union,
 700 Regis Avenue, Pittsburgh, PA 15236-1425
 15262229 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Aug 21 2020 04:15:43 Comenity Capital/Gamestop,
 Attn: Bankruptcy Dept, PO Box 182125, Columbus, OH 43218-2125
 15262231 +E-mail/PDF: creditonebknofications@resurgent.com Aug 21 2020 04:29:15 Credit One Bank,
 PO Box 98872, Las Vegas, NV 89193-8872
 15262230 +E-mail/PDF: creditonebknofications@resurgent.com Aug 21 2020 04:29:46 Credit One Bank,
 Attn: Bankruptcy Department, PO Box 98873, Las Vegas, NV 89193-8873
 15265922 E-mail/Text: mrdiscen@discover.com Aug 21 2020 04:15:32 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany Ohio 43054-3025
 15262233 +E-mail/Text: mrdiscen@discover.com Aug 21 2020 04:15:32 Discover Financial,
 Attn: Bankruptcy, PO Box 3025, New Albany, OH 43054-3025
 15262234 +E-mail/Text: bnc-bluestem@quantum3group.com Aug 21 2020 04:16:18 Fingerhut,
 Attn: Bankruptcy, PO Box 1250, Saint Cloud, MN 56395-1250
 15262236 +E-mail/Text: GenesisFS@ebn.phinsolutions.com Aug 21 2020 04:16:34 Genesis FS Card Services,
 Attn: Bankruptcy, PO Box 4477, Beaverton, OR 97076-4401
 15262237 E-mail/Text: sbse.cio.bnc@mail@irs.gov Aug 21 2020 04:15:38 Internal Revenue Service,
 Insolvency Remittance, PO Box 7317, Philadelphia, PA 19101-7317
 15262238 +E-mail/Text: PBNCNotifications@peritussservices.com Aug 21 2020 04:15:35 Kohls/Capital One,
 Attn: Credit Administrator, PO Box 3043, Milwaukee, WI 53201-3043
 15264285 E-mail/PDF: resurgentbknofications@resurgent.com Aug 21 2020 04:29:18 LVNV Funding, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 15262241 +E-mail/Text: jennifer.chacon@spservicing.com Aug 21 2020 04:16:33
 Select Portfolio Servicing, Inc, Attn: Bankruptcy, PO Box 65250,
 Salt Lake City, UT 84165-0250
 15262242 +E-mail/PDF: gecsedirecoverycorp.com Aug 21 2020 04:29:40 Synch/walmart, Attn: Bankruptcy,
 PO Box 965060, Orlando, FL 32896-5060
 15262243 +E-mail/PDF: gecsedirecoverycorp.com Aug 21 2020 04:29:39 Synchrony Bank/ JC Penneys,
 Attn: Bankruptcy, PO B 965064, Orlando, FL 32896-5064
 15262244 +E-mail/PDF: gecsedirecoverycorp.com Aug 21 2020 04:29:37 Synchrony Bank/Lowes,
 Attn: Bankruptcy, PO Box 965060, Orlando, FL 32896-5060
 15271410 E-mail/Text: jennifer.chacon@spservicing.com Aug 21 2020 04:16:33 U.S. Bank NA, et al,
 c/o Select Portfolio Servicing, Inc., P.O. Box 65250, Salt Lake City, UT 84165-0250
 TOTAL: 21

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr U.S. Bank NA, successor trustee to Bank of America

District/off: 0315-2

User: gamr
Form ID: 149

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Total Noticed: 34

Date Rcvd: Aug 20, 2020

15263700* ++FORD MOTOR CREDIT COMPANY, P O BOX 62180, COLORADO SPRINGS CO 80962-2180
(address filed with court: Ford Motor Credit Company LLC, PO Box 62180,
Colorado Springs, CO 80962-2180)

TOTALS: 1, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 22, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 20, 2020 at the address(es) listed below:

James Warmbrodt on behalf of Creditor U.S. Bank NA, successor trustee to Bank of America, NA,
sucessor in interest to LaSalle Bank National Association, on behalf of the registered holders
of Bear Stearns Asset Backed Securities I Trust 2 bkgroup@kmlawgroup.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
jbluemle@bernsteinlaw.com
Matthew M. Brennan on behalf of Debtor Michael A. Babyak attorneymatthewbrennan@gmail.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
Equitablebankruptcy@peoples-gas.com;srk@sjwpgh.com

TOTAL: 6